

**Areas of Possible Amendment to City’s Proposed Accountability Legislation (02/14/17)**

Category	Essential CPC Elements Not Yet Incorporated	City’s Language	CPC Notes/Rationale
<p><b>Independence/Strength/Credibility</b></p> <p><b>Resources/Budget (OPA)</b> Section 3.29.015.D</p>	<p>The City shall provide sufficient professional staff and resources to enable OPA to perform all of its duties and responsibilities specified in this Chapter 3.29. An annual budget to support <del>sufficient staffing and resources for</del> effective OPA operations shall be based on not less than a specified percentage of SPD’s base budget, with the percentage to be determined by the City Council for the capacity needed, using comparable entities or other appropriate metrics. The OPA Director shall have budget, workplan, and program control of OPA operations within the scope of its budget appropriation. The OPA budget shall be submitted as a separate Budget Control Level and incorporated into the City budget separate and distinct from SPD’s budget and the OPA Director shall have the authority to advocate for resources if necessary during the budget process.</p>	<p>A budget with sufficient staffing and resources for effective OPA operations shall be submitted annually by the OPA Director separate and distinct from the SPD’s budget.</p>	<p>Adequate resources for OPA to fulfill its responsibilities are critical to ensure public credibility and success. The language should specify that a sufficient budget shall be approved, not simply submitted. A specified percentage of SPD’s base budget better insulates against the threat or reality of undue political interference. This method of budgeting does not set a fixed dollar amount, but will vary depending on the level of SPD funding. There may be other approaches to set base funding with escalators that could provide insulation. OPA must also have the ability to advocate for its budget.</p>
<p><b>Resources/Budget (OIG)</b> Section 3.29.105.C</p>	<p>The City shall provide sufficient professional staff and resources to enable OIG to perform all of its duties and responsibilities specified in this Chapter 3.29. An annual budget to support <del>sufficient staffing and resources for</del> effective OIG operations shall be based on not less than a specified percentage of SPD’s base budget, with the percentage to be determined by the City Council for the capacity needed, using comparable <del>agencies entities</del> or other appropriate metrics. The Inspector General shall have budget, workplan, and program control of OIG operations within the scope of its budget appropriation. OIG budget shall be submitted as a separate Budget Control Level and incorporated into the City budget separate and distinct from any City department’s budget and the Inspector General shall have the authority to advocate for resources if necessary during the budget process.</p>	<p>A budget with sufficient staffing and resources for effective OIG operations shall be submitted annually by the Inspector General separate and distinct from the budget of any other City department.</p>	<p>Adequate resources for OIG to fulfill its responsibilities are critical to ensure public credibility and success. The language should specify that a sufficient budget shall be approved, not simply submitted. A specified percentage of SPD’s base budget better insulates against the threat or reality of undue political interference. This method of budgeting does not set a fixed dollar amount, but will vary depending on the level of SPD funding. There may be other approaches to set base funding with escalators that could provide insulation. OIG must also have the ability to advocate for its budget.</p>
<p><b>Resources/Budget (CPC)</b> Section 3.29.210.A</p>	<p>CPC is self-governing and functionally independent. CPC may adopt bylaws to govern its own activities. <del>The City</del></p>	<p>CPC is self-governing and functionally independent. CPC may adopt bylaws to govern its own activities. An annual</p>	<p>Adequate resources for CPC to fulfill its responsibilities are critical to ensure</p>

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	<p>shall provide sufficient professional staff and resources to enable CPC to perform all of its duties and responsibilities specified in this Chapter 3.29. An annual budget to support <del>sufficient staffing and resources for</del> effective CPC operations shall be based on not less than a specified percentage of SPD’s base budget, with the percentage to be determined by the City Council for the capacity needed, using comparable entities or other appropriate metrics. CPC shall have budget, workplan, and program control of its own operations within the scope of its budget appropriation, and the CPC Executive Director shall receive programmatic direction only from CPC. CPC’s budget shall be submitted as a separate Budget Control Level and incorporated into the City budget separate and distinct from the Executive Department’s budget and CPC shall have the authority to advocate for resources if necessary during the budget process.</p>	<p>budget to support sufficient staffing and resources for effective CPC operations shall be submitted annually by the Executive Director separate and distinct from the Mayor’s budget.</p>	<p>public credibility and success. The language should specify that a sufficient budget shall be approved, not simply submitted. A specified percentage of SPD’s base budget better insulates against the threat or reality of undue political interference. This method of budgeting does not set a fixed dollar amount, but will vary depending on the level of SPD funding. There may be other approaches to set base funding with escalators that could provide insulation. CPC must also have the ability to advocate for its budget.</p> <p>Most of added CPC language was in another paragraph that CPC understood the Mayor’s Office had agreed to retain.</p>
<p><b>Legal Counsel (OPA)</b> Not in legislation filed with court</p>	<p>OPA is authorized to legally represent itself, including, as necessary, retaining outside, private legal counsel in any legal matter, enforcement action, or court proceeding, when the OPA Director determines that the City Attorney’s Office would have a conflict in representing the interests of OPA. The City shall provide sufficient funding for legal services separate from OPA’s operational budget.</p>	<p>None.</p>	<p>There are likely to be conflicts among the oversight and other City entities whose interests will occasionally be at cross purposes. While the City Attorney’s Office can provide legal counsel on day-to-day matters, on the rare occasions of significant differences, each body must have access to independent legal counsel.</p>
<p><b>Legal Counsel (OIG)</b> Not in legislation filed with court</p>	<p><del>The</del> OIG is authorized to legally represent itself, including, as necessary, retaining outside, private legal counsel in any legal matter, enforcement action, or court proceeding, when the Inspector General determines that the City Attorney’s Office would have a conflict in representing the interests of <del>the</del> OIG. The City shall provide sufficient funding for legal services separate from OIG’s operational budget.</p>	<p>None.</p>	<p>There are likely to be conflicts among the oversight and other City entities whose interests will occasionally be at cross purposes. While the City Attorney’s Office can provide legal counsel on day-to-day matters, on the rare occasions of significant differences, each body must have access to independent legal counsel.</p>

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<p><b>Legal Counsel (CPC)</b> Not in legislation filed with court</p>	<p>CPC is authorized to legally represent itself, including, as necessary, retaining outside, private legal counsel in any legal matter, enforcement action, or court proceeding, when the CPC Executive Director determines that the City Attorney’s Office would have a conflict in representing the interests of CPC. The City shall provide sufficient funding for legal services separate from CPC’s operational budget.</p>	<p>None.</p>	<p>There are likely to be conflicts among the oversight and other City entities whose interests will occasionally be at cross purposes. While the City Attorney’s Office can provide legal counsel on day-to-day matters, on the rare occasions of significant differences, each body must have access to independent legal counsel.</p>
<p><b>App’t of OPA Director</b> Section 3.29.020.C.1</p>	<p>The OPA Director shall be appointed and reappointed by the Mayor. The Mayor shall select from up to three qualified finalists identified by a search committee through a national process using merit-based criteria. CPC representatives will constitute 25 percent of the search committee, and an additional CPC A representative <del>of CPC</del> shall serve as one of the search committee co-chairs. The Mayor shall either appoint from among the finalists or initiate a new search. The appointee shall be confirmed by a majority vote of the full City Council. The Mayor shall consult with CPC prior to reappointments.</p>	<p>The OPA Director shall be appointed and reappointed by the Mayor. The Mayor shall select from up to three qualified finalists identified by a search committee through a national process using merit-based criteria. A representative of CPC shall serve as one of the search committee co-chairs. The Mayor shall either appoint from among the finalists or initiate a new search. The appointee shall be confirmed by a majority vote of the full City Council. The Mayor shall consult with CPC prior to reappointments.</p>	<p>CPC will have ongoing familiarity with the responsibilities and challenges of this position which can inform deliberations on candidates. Having a number of CPC members on the search committee also ensures a range of community perspectives and expertise in weighing candidate qualifications and fit.</p> <p>CPC language adopted 8/16 called for the CPC to serve as the search committee. In later negotiations, CPC and Mayor’s Office agreed in principle to CPC representing 25% of a search committee.</p>
<p><b>App’t of Inspector General</b> Section 3.29.114.A</p>	<p>The Inspector General shall be appointed and reappointed by a three-member Special Committee of the City Council. The Special Committee shall select from up to three qualified finalists identified by a search committee through a national process using merit-based criteria. CPC representatives will constitute 25 percent of the search committee, and an additional CPC A representative <del>of CPC</del> shall serve as one of the search committee co-chairs. The Special Committee shall either appoint from among the finalists or initiate a new search. The appointee shall be confirmed by a majority vote of the full City Council. The Special</p>	<p>The Inspector General shall be appointed and reappointed by a three-member Special Committee of the City Council. The Special Committee shall select from up to three qualified finalists identified by a search committee through a national process using merit-based criteria. A representative of CPC shall serve as one of the search committee co-chairs. The Special Committee shall either appoint from among the finalists or initiate a new search. The appointee shall be confirmed by a majority vote of the full City Council. The Special Committee shall consult with CPC prior to reappointments.</p>	<p>CPC will have ongoing familiarity with the responsibilities and challenges of this position which can inform deliberations on candidates. Having a number of CPC members on the search committee also ensures a range of community perspectives and expertise in weighing candidate qualifications and fit.</p> <p>CPC language adopted 8/16 called for the CPC to serve as the search committee. In later negotiations, CPC</p>

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	Committee shall consult with CPC prior to reappointments.		and Mayor’s Office agreed in principle to CPC representing 25% of a search committee.
<b>Current CPC ED Term</b> Section 3.29.206.A	The current CPC Executive Director appointed pursuant to Subchapter IX of Chapter 3.14 shall continue in office for a term of six years following enactment of this ordinance.	The term of the current CPC Executive Director appointed pursuant to Subchapter IX of Chapter 3.14 shall expire on December 31, 2018. The current CPC Executive Director may be reappointed to subsequent terms consistent with the requirements of this Chapter 3.29.	The Mayor’s language would not be a problem if the appointing authority were the CPC. Otherwise, the Mayor’s language undermines CPC independence. The CPC will also better know if it needs a new Executive Director and will also take into account continuity considerations. The CPC provision is modeled after that of the Seattle Ethics and Elections Commission (SEEC).
<b>App’t of CPC Exec Director</b> Section 3.29.206.B	The CPC shall have an Executive Director who shall be appointed by CPC using merit-based criteria. <b>The position of Executive Director shall be exempt from the classified civil service. The term of the Executive Director is six years.</b> Each CPC Executive Director’s initial appointment is subject to confirmation by the City Council. Reappointment of the CPC Executive Director to successive terms by CPC is not subject to City Council confirmation. If an individual who previously served as CPC Executive Director is appointed after a different individual was confirmed as CPC Executive Director by the City Council that new appointment is subject to City Council confirmation as an initial appointment. CPC shall annually evaluate the performance of the CPC Executive Director, after soliciting perspectives from City officials and community members with whom the CPC Executive Director interacts in the course of performing the CPC Executive Director’s duties.	There shall be an Executive Director, appointed by the Mayor. The position of Executive Director shall be exempt from the classified civil service. The term of the Executive Director is four years.	Having the Mayor appoint the CPC ED undermines CPC independence. The CPC language is modeled after that of the SEEC. Like the SEEC, the oversight work of the CPC requires robust independence.
<b>Removal of CPC Exec Director</b> Section 3.29.206.C	CPC may remove the CPC Executive Director from office only for cause, upon a majority vote of its membership.	The Mayor may remove the CPC Executive Director from office only for cause and with a majority vote of the City Council.	Having the Mayor remove the CPC ED undermines CPC independence. The CPC will also better know if it needs to remove an Executive Director. The CPC language is modeled after that of the SEEC.

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<p><b>Performance Review of OPA</b> Section 3.29.110.A.reinsert at 10</p> <p>Section 3.29.215.A.reinsert at 10</p>	<p>The Inspector General shall annually evaluate the performance of OPA and its management and leadership, after soliciting public, Mayoral, City Attorney, City Council, Chief of Police, SPD employee, and CPC perspectives.</p> <p>[The CPC will] provide input to the Inspector General each year in advance of the Inspector General’s evaluation of OPA.</p>	<p>None.</p>	<p>The Inspector General is uniquely qualified to review OPA performance. Given the importance of the OPA function, performance review should not be relegated to standard HR practices and should be more publicly transparent. CPC’s input is important to ensure community expectations are taken into account in the review.</p>
<p><b>Performance Review of OIG</b> Section 3.29.215.A reinsert at 9</p>	<p>[The CPC will] annually evaluate the performance of OIG and its management and leadership, after soliciting public, Mayoral, City Attorney, City Council, Chief of Police, and SPD employee perspectives.</p>	<p>None.</p>	<p>Given that this is a new office, it’s important to make sure it’s working well and meeting community expectations which the CPC is uniquely qualified to do – both in the short term and over time. Given the importance of the OIG function, performance review should not be relegated to standard HR practices and should be more publicly transparent.</p>
<p><b>Community Perspectives</b> Section 3.29.020.A.16</p>	<p>Obtain information about community perspectives and concerns germane to OPA access and OPA’s oversight responsibilities by means including, but not necessarily limited to, seeking support from CPC on community outreach and receiving feedback from CPC on issues surfaced as a result of its community outreach activities.</p>	<p>Obtain information about community perspectives and concerns germane to OPA access and OPA’s oversight responsibilities by means including, but not necessarily limited to, seeking support from CPC and other community stakeholders on community outreach and receiving feedback on issues surfaced as a result of its community outreach activities.</p>	<p>There must be trusting relationships in order to obtain honest community views; CPC has many of these connections. Neither OPA nor OIG have outreach as a core competency nor will they likely have enough resources. CPC should be on point for this work – a shared role with OPA and OIG may undermine core CPC outreach responsibility and lead to lack of role clarity. Requests for input from multiple entities will confuse the community and be time-consuming and inefficient. The CPC outreach function is focused on accountability, not on SPD generally, and does not prevent OPA, OIG, or SPD from periodically talking with community representatives.</p>



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<p><b>Access to Accountability System</b> Section 3.29.020.A.16</p>	<p>Facilitate access to the accountability system, <del>which may</del> includeing the use of OPA complainant navigators, community-based organizations, and other approaches that reflect or take into account the diversity of Seattle’s communities in order to provide additional channels for filing complaints and support understanding of the system and how to access it.</p>	<p>Facilitate access to the accountability system, including the use of OPA complaint navigators, community-based organizations, or other approaches that reflect or take into account the diversity of Seattle’s communities in order to provide additional channels for filing complaints and support understanding of the system and how to access it.</p>	<p>Access is a significant issue and there is a need for a more extensive effort. The Mayor’s language referring to “or” suggests that use of navigators or community-based organizations may not be prioritized and employed.</p>
<p><b>Deputy Inspector General</b> Section 3.29.100.B</p>	<p>There shall be a civilian Deputy Inspector General to perform such duties and to have such powers as the Inspector General may prescribe and delegate to implement and efficiently and effectively manage the duties set forth in this Subchapter I.</p>	<p>None.</p>	<p>This position would have responsibility for many of the current responsibilities of the OPA Auditor in reviewing the quality of complaint-handling and investigations and must have legal and investigative expertise. The Inspector General cannot perform both the current OPA Auditor duties as well as the new scope of Inspector General responsibilities. Importantly, the Deputy must be sufficiently senior to act in the absence of Inspector General (report to scene, represent OIG at findings / discipline meetings, etc.) and provide continuity in any circumstance when Inspector General is absent or the Inspector General position is vacant. Having this in legislation underscores the authority of the person in this position to act.</p>
<p><b>Diverse Perspectives and Expertise</b></p>			
<p><b>Commissioner Qualifications</b> Section 3.29.215.B.5.g</p>	<p>The ability to exercise sound judgment, independence, fairness, and objectivity, and to carry out Commissioner duties in a manner that reflects sound judgment, independence, fairness, and objectivity in an environment where controversy is common.</p>	<p>The ability to exercise sound judgment, independence, fairness, and objectivity, and to carry out Commissioner duties in a manner that is perceived by all who have a stake in policing as exercising sound judgment, independence, fairness, and objectivity in an environment where controversy is common.</p>	<p>CPC originally proposed the clause “in a manner that is perceived by all who have a stake in policing as exercising sound judgment, independence, fairness, and objectivity” for the Inspector General. The CPC is agreeable with removing reference for Inspector General, but believes it should also be removed for the CPC qualifications.</p>

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<p><b>Police Representatives on CPC</b> Section 3.29.215.B.1</p>	<p>Commissioners shall be respected members of Seattle’s many diverse communities, and include a representative from the Seattle Police Officers Guild (SPOG) and a representative from the Seattle Police Management Association (SPMA). At least two Commissioners shall be graduates of an accredited law school and members in good standing of the Washington State Bar Association, with significant experience in the fields of public defense and civil liberties law. <del>Commissioners shall reside or work in Seattle.</del> The representatives from SPOG and SPMA shall be nominated by their respective union executive boards/boards of directors and should have background relevant to police-community relations and demonstrated connection to the membership of their respective unions.</p>	<p>Commissioners shall be respected members of Seattle’s many diverse communities. At least two Commissioners shall be graduates of an accredited law school and members in good standing of the Washington State Bar Association, with significant experience in the fields of public defense and civil liberties law. Commissioners shall reside or work in Seattle as set forth in this Section 3.29.215.</p>	<p>Police representation is required under the Consent Decree. The Consent Decree will have to be amended if police representatives are removed. CPC strongly supports police representation on the CPC because their perspectives have helped inform the CPC’s ultimate positions in the past and will do so going forward. Their participation also demonstrates a commitment to collaboration and trust-building. For the CPC, police representation builds credibility and contributes to the quality of CPC’s work products. Union representation is appropriate for Seattle, based on our culture and experience.</p>
<p><b>Other Representatives on CPC</b> Section 3.29.215.B.3</p>	<p>Commissioners shall be representative of Seattle’s diverse population, drawn from different socio-economic backgrounds and racial and ethnic groups, including immigrant/refugee communities, and from the LGBTQ, youth, faith, business, and other communities reflecting the overall demographics of Seattle residents. Some shall represent or be knowledgeable of the issues of those who are limited-English speakers, homeless, or who have mental illness and substance abuse disorders.</p>	<p>Commissioners shall be representative of Seattle’s diverse population, drawn from different socio-economic backgrounds and racial and ethnic groups, including immigrant/refugee communities, and from the African-American, LGBTQ, youth, faith, business, and other communities reflecting the overall demographics of Seattle residents. Some shall represent or be knowledgeable of the issues of those who are limited-English speakers, homeless, or who have mental illness and substance abuse disorders.</p>	<p>We seek advice from stakeholders on how the language should be written to best honor the experiences of different groups and demonstrate a commitment to including a wide range of views. The CPC language in this chart was previously adopted by the CPC.</p>
<p><b>Number of Commissioners</b> Section 3.29.215.C.1</p>	<p>CPC shall consist of <del>15</del> 19 Commissioners, appointed and reappointed as set forth in this Chapter 3.29. The Mayor shall select five Commissioners, the City Council shall select five Commissioners, and CPC shall select <del>five</del> nine Commissioners, including the public defense representative, <del>and</del> the civil liberties law representative, <del>and the SPOG and SPMA representatives.</del></p>	<p>CPC shall consist of 15 Commissioners, appointed and reappointed as set forth in this Chapter 3.29. The Mayor shall select five Commissioners, the City Council shall select five Commissioners, and CPC shall select five Commissioners, including the public defense representative and the civil liberties law representative.</p>	<p>The CPC needs more members to a) represent a sufficient range of diverse community views and expertise about the issues the CPC is responsible for overseeing, b) have adequate capacity to fulfill the expanded obligations of this working commission, and c) account for vacancies since the CPC has often been challenged by turnover. Since police representatives are nominated by the unions, CPC only</p>

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<p><b>Residency of Commissioners</b> Section 3.29.215.C.4</p>	<p>Each appointing authority shall provide a process that allows individuals to apply and be considered for appointment, to ensure that they meet the qualifications outlined in this Section 3.29.215 and are selected in a manner that effectuates the bylaws of CPC with respect to its composition. <del>and achieves a</del> <b>All Commissioners shall reside or work in Seattle, and the overall composition shall reflect a</b> strong majority of Commissioners <b>who are</b> <del>reside in</del> Seattle <b>residents</b>. The appointing authorities shall consult with one another prior to making their respective appointments and reappointments. All Commissioners appointed or reappointed by each of the appointing authorities shall be confirmed by a majority vote of the full City Council and shall assume office upon receiving City Council confirmation.</p>	<p>Each appointing authority shall provide a process that allows individuals to apply and be considered for appointment, and shall ensure appointees meet the qualifications outlined in this Section 3.29.215 and are selected in a manner that effectuates the bylaws of CPC with respect to its composition. Twelve of the 15 Commissioners must live within The City of Seattle and three of the 15 Commissioners may work within but are not required to live within the City. Each appointing authority may appoint one of the three Commissioners who works within but does not reside within the City. Where a Commissioner resides in City of Seattle at the time of appointment but no longer resides in the City during any 60-day period of a term that Commissioner will not be eligible for reappointment at the expiration of the term unless proof of current residency in the City can be established. A change in residency to outside of The City of Seattle will not affect the Commissioner’s ability to serve the remainder of any pending term. The appointing authorities shall consult with one another prior to making their respective appointments and reappointments. All Commissioners appointed or reappointed by each of the appointing authorities shall be confirmed by a majority vote of the full City Council and shall assume office upon receiving City Council confirmation.</p>	<p>technically appoints which means these two positions should not be counted against the CPC’s appointment allocation.</p> <p>The CPC strongly opposes the Mayor’s specific residency requirements because they will prevent the appointing authorities from having a sufficient pool of strong candidates from which to select the best CPC members. All commissioners must have meaningful expertise about the issues the CPC is responsible for overseeing and together offer a broad range of perspectives reflecting diverse community interests and experiences. The CPC believes requiring either residency or work in Seattle will better support the appointment of members with these characteristics. The CPC provides for “a strong majority . . . who are Seattle residents” which is a more flexible and helpful standard than requiring a certain number to live in the city. Note also that many police officers live outside Seattle, so a limited number of non-resident positions could be taken up by the police representatives.</p>
<b>Other Areas</b>			
<p><b>Single Avenue for Appeals</b> Section 3.29.310.A.7.a</p>	<p><i>The language needs to be amended to address these goals:</i></p> <ul style="list-style-type: none"> <li>Eliminate appearance of bias and use objective decision-makers by eliminating DRB and not having any employee members on the PSCSC.</li> </ul>	<p>The Public Safety Civil Service Commission (PSCSC) shall be the only avenue for SPD employee disciplinary appeals when brought by the employee. Disciplinary appeals when brought by a law enforcement labor union on the employee’s behalf are heard pursuant to the procedure set forth in subsection 3.29.310.A.8.</p>	<p>The CPC is reviewing the City’s current language with legal counsel for possible strengthening and improved clarity to ensure goals are met. For example, there is no legitimate rationale for having different appeal processes depending upon who brings</p>





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			that the Chief should have discretion about the employee remaining on active duty in any case under OPA investigation and that the leave occur close in time to the alleged misconduct.
<p><b>External Investigations Processes</b> Not in legislation filed with court</p>	<p>[CPC] convene meetings with and lead stakeholders to assess the feasibility of establishing mechanisms to use investigation and review processes wholly external to SPD for cases involving serious and deadly uses of force.</p> <p>If determined to be feasible following the stakeholder assessment led by the CPC described in Section 3.29.210, the City shall establish mechanisms to use wholly external investigation and review processes for cases involving serious and deadly uses of force.</p>	None.	The President's Task Force on 21 <sup>st</sup> Century Policing recommended external criminal investigations in serious and deadly uses of force. This was also a recommendation of the WA State Joint Task Force on the Use of Deadly Force. The importance of doing so was again made evident by questions about the credibility of an SPD investigation of its own officers in the SPD shooting death of Che Taylor.
<p><b>Complainant Appeals</b> Not in legislation filed with court</p>	Convene meetings with and lead stakeholders in developing a complainant appeal process for the City to adopt that is consistent with employee due process rights. Once established, the CPC shall periodically review the fairness and effectiveness of the civilian appeal process.	None.	If it can be done consistent with due process for employees, there can be value for complainants to be able to object to the outcome of complaints they initiated so policy lessons can be taken from valid community concerns even if discipline is not appropriate or possible.
<p><b>Eliminate Prohibition on Filing Complaints After Three Years</b> Section 3.29.310.A.5</p>	Discipline shall not be imposed for minor misconduct as defined in SPD policy at the time of the alleged incident if the alleged incident occurred more than three years prior to the complaint being made or SPD or OPA becoming aware of the alleged misconduct. For all other misconduct, there shall be no time limitation on the imposition of discipline.	No disciplinary action will result from a complaint of misconduct where the complaint is made to OPA more than three years after the date of the incident which gave rise to the complaint, except where the OPA complaint alleges criminal conduct, or alleges that the named employee has concealed acts of misconduct.	The Mayor's proposal provides no time limits on discipline for only an extremely few types of cases. Prohibiting the filing of complaints simply because time has passed does not support robust accountability or meet community expectations. Except for minor violations, all misconduct should be investigated and discipline imposed whenever appropriate.

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<p><b>Advising on Collective Bargaining by Civilian Oversight Entities</b> Section 3.29.330.A</p>	<p>Those who provide civilian oversight of the police accountability system shall be consulted in the formation of the City’s collective bargaining agenda and during the bargaining process with the City’s police unions for the purpose of ensuring their recommendations with collective bargaining implications are thoughtfully considered and the ramifications of alternative proposals are understood. These individuals shall be subject to the same confidentiality provisions as any member of the Labor Relations Policy Committee.</p>	<p>Those who provide civilian oversight of the police accountability system shall be consulted in the formation of the City’s collective bargaining agenda for the purpose of ensuring their recommendations with collective bargaining implications are thoughtfully considered and the ramifications of alternative proposals are understood. These individuals shall be subject to the same confidentiality provisions as any member of the Labor Relations Policy Committee.</p>	<p>As negotiations proceed, alternative positions emerge and it is important that the City’s bargaining team remain fully informed of the implications of new positions, both those offered by the unions and those contemplated by the City. Such proactive use of knowledgeable technical advisors will better ensure CBA outcomes sustain a robust police accountability system. The CPC’s approach is lawful because it ensures technical advisors maintain confidentiality. OLEO Director is doing so in King County negotiations.</p>
<p><b>Disciplinary Processes</b> Section 3.29.110.A.9</p>	<p>OIG shall work with the OPA Director and SPD to make disciplinary processes as fair, impartial, objective, certain, timely, consistent, understandable, transparent, and effective as possible and report out to the public on any concerns with regard to discipline or disciplinary processes. OIG’s review of SPD’s disciplinary processes shall include an assessment of the merits of models used in other jurisdictions to help ensure consistency and fairness in disciplinary decision-making.</p>	<p>OIG shall work with the OPA Director and SPD to make disciplinary processes as fair, impartial, objective, certain, timely, consistent, understandable, transparent, and effective as possible and report out to the public on any concerns with regard to discipline or disciplinary processes.</p>	<p>The fair and consistent imposition of discipline is an important principle supporting the credibility of the accountability system. It is appropriate for the OIG to review best practices to identify systematic approaches to ensuring the fairness and consistency of discipline. Given its importance, we believe such a study should be specifically referenced in the legislation.</p>
<p><b>Back-Up Legal Counsel in Appeals</b> Section 3.29.310.A.12</p>	<p>Each party to a named employee appeal shall have an alternative attorney who will be available in order to reduce appeal hearing scheduling delays.</p>	<p>None.</p>	<p>Continuances caused by the unavailability of attorneys have often delayed the timely resolution of appeals. This provision addresses the problem and aligns with other language in the legislation that sets timeframes for post-OPA processes.</p>
<p><b>Open Bargaining</b> Not in legislation filed with court</p>	<p>SMC 4.04.120(E) shall not apply to the City’s collective bargaining with police unions. The City’s collective bargaining with all police unions shall be conducted in an open and transparent manner to the maximum extent permitted by State law.</p>	<p>None.</p>	<p>CPC is in dialogue with the King County Labor Council about how to achieve the goal of holding officials publicly accountable for promises they make about police accountability,</p>

**Areas of Possible Amendment to City's Proposed Accountability Legislation (02/14/17)**

Category	Essential CPC Elements Not Yet Incorporated	City's Language	CPC Notes/Rationale
			while not inadvertently weakening the bargaining position of police unions.
<b>Side-Bar Agreements</b>	To be determined.	None.	Separate union agreements that pre-date the ordinance and any new collective bargaining agreements should be eliminated.
<b>Funding</b>	To be determined.	[Outlined in legislative fiscal note]	The CPC is particularly concerned that the Mayor's proposed funding level for the OIG is likely inadequate to support the full range of obligations set forth in legislation for this new office. The CPC will assume new responsibilities but no provision has been made for additional resources to fulfill those responsibilities.